

## § 1260.1

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### APPENDIX A TO SUBPART B OF PART 1260— CONTRACT PROVISIONS

AUTHORITY: 42 U.S.C. 2473(c)(1), Pub. L. 97-258, 96 Stat. 1003 (31 U.S.C. 6301 et seq.), and OMB Circular A-110.

SOURCE: 61 FR 38059, July 23, 1996, unless otherwise noted.

## Subpart A—General

### § 1260.1 Authority.

(a) The National Aeronautics and Space Administration (NASA) awards grants and cooperative agreements under the authority of 42 U.S.C. 2473(c)(5), the Space Act. This part 1260 is issued under the authority of 42 U.S.C. 2473(c)(1).

(b) The Office of Management and Budget (OMB) approved information collection under the Paperwork Reduction Act through September 30, 1998 and assigned OMB control numbers 2700–0047, Property Management and Control; 2700–0048, Patents; and 2700–0049, Financial Management and Control. OMB control number 2700–0047 applies to grants subject to subparts A and B of this part.

### § 1260.2 Definitions.

Additional definitions can be found in § 1260.102.

*Administrative grant officer.* A Federal employee delegated responsibility for grant administration; e.g., under a delegation from a NASA grant officer.

*Amendment.* Any document used to effect modifications to grants and cooperative agreements. Amendments may be issued unilaterally at the discretion of the Grant Officer.

*Effective date.* The date work can begin and the recipient can start spending grant funds. The effective date could be earlier or later than the date of signature on a basic award or modification.

*Grant specialist.* A Government employee who is assigned the responsibility of negotiating and/or administering grants.

*Historically Black Colleges and Universities.* Institutions determined by the Secretary of Education to meet the requirements of 34 CFR 608.2 and listed therein.

*Minority educational institution.* An institution determined by the Secretary of Education to meet the requirements of 34 CFR 637.4.

*Multiple year grant.* A grant for which NASA obligates funds for an initial period and states an intention to obligate funds for one or more additional periods. The initial period together with the unfunded periods exceeds one year (see § 1260.13(b)).

*Non-profit organization.* An organization that qualifies for the exemption from taxation under § 501 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 501.

*Performance Report.* A concise statement of work accomplished during the report period (see § 1260.75(e)).

*Provision.* A term or condition applicable to grants awarded under this part 1260 (see § 1260.20).

*Recipient acquired equipment.* Equipment purchased or fabricated with grant funds by a recipient for the performance of work under its grant.

*Small business concern.* A concern, including its affiliates, which is independently owned and operated, not dominant in the field of operation in which it is bidding, and qualifies as a small business under the criteria and size standards in 13 CFR part 121.

*Small disadvantaged business concern.* A small business concern owned and controlled by individuals who are both socially and economically disadvantaged (within the meaning of § 8(a) (5) and (6) of the Small Business Act, as

amended; 15 U.S.C. 637(a) (5) and (6); and 13 CFR 24).

*Special condition.* A term or condition that is not applicable to all grants or is temporary in nature (see § 1260.50).

*Summary of Research.* A document summarizing the results of the entire project, which includes bibliographies, abstracts, and lists of other media in which the research was discussed (see § 1260.75(f)(1)).

*Women-owned small business concern.* A small business concern that is at least 51 percent owned by women who are U.S. citizens and who also control and operate the business (15 U.S.C. 637(d)).

[61 FR 38059, July 23, 1996, as amended at 62 FR 63452, Dec. 1, 1997]

#### § 1260.3 Applicability.

Subparts A and B of this part 1260 establish policies and procedures for all grants and cooperative agreements awarded by NASA to educational institutions and other non-profit organizations.

#### § 1260.4 Amendment.

This part 1260 will be amended by publication of changes in the FEDERAL REGISTER. Changes that require immediate dissemination may be issued as Grant Notices.

#### § 1260.5 Publication.

(a) The NASA Grant and Cooperative Agreement Handbook is published as part 1260 of title 14 of the Code of Federal Regulations (CFR).

(b) Subscriptions to the NASA Grant and Cooperative Agreement Handbook may be purchased from the Superintendent of Documents, United States Government Printing Office, Washington, DC 20402, telephone number (202) 512-1800. Requests should cite GPO Subscription Stock No. 933-001-00000-8. A subscription consists of the basic edition, plus all changes issued for an indefinite period.

#### § 1260.6 Deviations.

(a) A deviation is required for any of the following:

(1) When a prescribed provision (but not a special condition) set forth ver-

batim in this part 1260 is modified or omitted.

(2) When a provision is set forth in this part 1260, but not for use verbatim, and the Center substitutes a provision which is inconsistent with the intent, principle, and substance of the provision.

(3) When a form prescribed by this part 1260 is altered or another form is used in its place.

(4) When limitations, imposed by this handbook upon the use of a grant provision, form, procedure, or any other grant action, are changed.

(5) When a form is created for recipient use that constitutes a "Collection of Information" within the meaning of the Paperwork Reduction Act (44 U.S.C. 35) and its implementation in 5 CFR part 1320.

(b) Requests for authority to deviate from this part 1260 shall be submitted to the Office of Procurement, NASA Headquarters, Contract Management Division (Code HK). Requests, signed by the Procurement Officer, shall contain:

(1) A full description of the deviation, the circumstances in which it will be used, and identification of the requirement from which a deviation is sought;

(2) The rationale for the request, pertinent background information, and the intended effect of the deviation;

(3) The name of the recipient, identification of the grant affected, and the dollar value;

(4) A statement as to whether the deviation has been requested previously, and, if so, details of that request; and

(5) A copy of legal counsel's concurrence or comments.

(c) Where it is necessary to obtain a deviation on OMB Circular A-110 (Subpart B of this part), Code HK will process all necessary documents in accordance with § 1260.104.

#### PRE-AWARD REQUIREMENTS

#### § 1260.10 Proposals.

(a) A grant can result from:

(1) *An NRA, AO, CAN or BAA.* A proposal submitted in response to a broad agency announcement (BAA) such as a NASA Research Announcement (NRA), Announcement of Opportunity (AO), Cooperative Agreement Notice (CAN),